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Mark A. Charles 51,547
Name of Attorney Registration No.
Signature of Attorney



P&G Case 7253L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :
J. M. Strang et al. : Confirmation No. 2701
Serial No. 09/763,049 : Group Art Unit 1751
Filed February 16, 2001 : Examiner C. I. Boyer

For Cleaning Compositions That Reduce Shrinkage Of Fabrics

BRIEF ON APPEAL

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed, pursuant to 37 C.F.R. 1.192(a), is Appellant's brief on Appeal for the above application. The Brief is being forwarded in triplicate.

The fee for this Brief on Appeal is \$330.00 37 CFR 1.17(c).

The Director is hereby authorized to charge the above fee, or any additional fees that may be required, or credit any overpayment to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By

Mark A. Charles
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Date: July 19, 2004

Customer No. 27752

(BriefonAppealTrans.doc)
(Last Revised 3/30/2004)

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Mark A. Charles 51,547
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Signature of Attorney/Agent

Case 7253L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: :
Janine Morgens Strang, et al. : **BEFORE THE BOARD OF APPEALS**
Serial No.: 09/763,049 : Group Art Unit: 1751
Filed: February 16, 2001 : Examiner: Charles I. Boyer
Confirmation No.: 2701 :

For: **CLEANING COMPOSITIONS THAT
REDUCE SHRINKAGE OF FABRICS**

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants appealed to the Board of Appeals by filing a Notice of Appeal, dated March 19, 2004 from the final rejection of Claims 18-23, as contained in the final Office Action dated November 19, 2003 (Paper No. 5) of the Primary Examiner. The Commissioner is hereby authorized to charge any necessary fees to Deposit Account No. 16-2480. This Appeal Brief is being submitted in triplicate.

(1) **REAL PARTY IN INTEREST**

The real party in interest is The Procter & Gamble Company, a corporation of The State of Ohio, having a place of business at Cincinnati, Ohio 45202.

(2) **RELATED APPEALS AND INTERFERENCES**

There are no known related appeals or interferences.

(3) **STATUS OF CLAIMS**

Claims 18-23 are pending and have been appealed. Claims 16, 17, and 27 were withdrawn from consideration. A copy of the appealed Claims 18-23 is attached as APPENDIX I.

(4) **STATUS OF AMENDMENTS**

All amendments have been entered.

(5) SUMMARY OF INVENTION

The present invention relates to a sheet which is specifically adapted to clean and/or refresh fabrics in a hot air clothes dryer, comprising a substrate; from about 10 grams to about 30 grams of a liquid cleaning/refreshment composition comprising at least about 80% by weight, of water releasably absorbed in the substrate; and from about 2 grams to about 20 grams of a fabric shrinkage reducing composition selected from the group consisting of ethylene glycol, all isomers of propanediol, butanediol, pentanediol, hexanediol and mixtures thereof releasably absorbed in the substrate.

(6) ISSUE

Are Claims 18-23 unobvious and patentable over U. S. Patent No. 5,685,651, under 35 U.S.C. § 103(a)?

A copy of the reference is attached as APPENDIX II.

(7) GROUPING OF CLAIMS

Claims 18-23 stand or fall together.

(8) ARGUMENT

Claims 18-23 are unobvious and patentable over 5,685,651 under 35 U.S.C. § 103(a)

Claims 18-23 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,685,651 to Smith *et al.* ("Smith"). Applicant respectfully traverses the rejection.

On pages 2-3 of the Final Office Action (Paper No. 5), it alleges that it would have been obvious to one having ordinary skill in the art to formulate a fabric treatment composition comprising ethylene glycol as such solvent is taught as suitable in the fabric treatment composition of Smith *et al.* Applicants, however, respectfully submit that Smith *et al.* does not disclose or suggest each and every limitation of the present invention. Specifically, Smith does not disclose or suggest a composition which contains, among other elements, from about 10 grams to about 30 grams of a liquid cleaning/refreshment composition comprising at least about 80% by weight of water releasably absorbed in the substrate (emphasis added).

The present application discloses compositions where the liquid cleaning/refreshment composition comprises at least about 80% by weight of water. The water content in Smith in its broadest interpretation ranges from about 10-55 weight percent. *See, e.g.*, Smith, col. 9, lines 61-66. There is absolutely no disclosure or suggestion in Smith to utilize the water levels disclosed in the present invention. Further, the formulations in Smith teach away from the water levels of the present invention as the formulation of Smith contains about 30-50% water-miscible organic

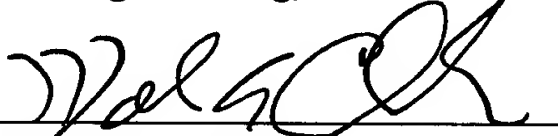
solvent. *See, e.g.,* Smith, col. 10, lines 5-13. As such, the compositions of Smith could not contain at least about 80% by weight of water, as claimed in the present invention. Thus, Applicants respectfully submit that Smith neither discloses nor suggests each and every limitation of the present invention.

Based on the above arguments, the Office Action has failed to establish a prima facie case of obviousness. Therefore, Appellants respectfully submit that the presently claimed invention is unobvious and patentable over Smith under 35 U.S.C. §103(a). Appellants respectfully request reversal of this rejection of the base claims and any dependent claims.

In view of the foregoing remarks, it is respectfully submitted that all claims are allowable. Accordingly, Appellants respectfully request reversal of all rejections.

Respectfully submitted,

Janine Morgens Strang, et al.

By 

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July 19, 2004
Cincinnati, Ohio



APPENDIX I

Appealed Claims – Case 7253L

18. A sheet which is specifically adapted to clean and/or refresh fabrics in a hot air apparatus, the sheet comprising:

- (a) a substrate;
- (b) from about 10 grams to about 30 grams of a liquid cleaning/refreshment composition comprising at least about 80% by weight, of water releasably absorbed in the substrate;
- (c) from about 2 grams to about 20 grams of a fabric shrinkage reducing composition comprising a fabric shrinkage reducing agent selected from the group consisting of: ethylene glycol, all isomers of propanediol, butanediol, pentanediol, hexanediol and mixtures thereof releasably absorbed in the substrate.

19. The sheet according to claim 18, further comprising a permeable fibrous coversheet which encases the outer surfaces of the core element.

20. The sheet according to claim 18, wherein the cleaning/refreshment composition comprises up to about 2%, by weight, of a nonionic surfactant.

21. The sheet according to claim 19, wherein the fibrous coversheet is vapor permeable to the cleaning/refreshment composition and the fabric shrinkage reducing composition; wherein the coversheet has a minimum thickness of at least about 8 mils.

22. The sheet according to claim 21, wherein the coversheet is bonded to the coversheet in discrete areas.

23. The sheet according to claim 18, wherein the liquid absorbing substrate is a hydroentangled fabric.

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APPENDIX II